REMARKS

Claims 1-20 are pending in this application. Claims 1-20 are rejected. Claim 5 is objected to. Claims 1, 5 and 14 was amended. Reconsideration of all pending claims is requested in light of the following remarks.

Claim Objections

Claim 5 is objected to because in lines 2-3, "packet switching network for, the device for switching" is unclear. Applicants thank the Examiner and clarifying changes have been made.

Claim Rejections – 35 USC § 112

Claims 14-16 are rejected under 35 USC 112 as failing to comply with the written description requirement. With respect to claim 14, the rejection stated that the codecs used at the time of filing were for telephone conversation only and not for digital fax transmissions.

Applicants respectfully refer the Examiner to the DRAFT ITU-T Recommendation H.323, LINE TRANSMISSION OF NON-TELEPHONE SIGNALS, May 28, 1996. In particular, with reference to section 6.1 Information Streams, and that these information streams may be data signals and further the data signals may be facsimile signals. Applicants respectfully submit that this contemplation in the ITU-T Recommendation shows that these codecs can be used for fax transmissions in satisfaction of the written description requirement. Claims 15 and 16, as dependent claims, therefore overcome the 35 USC 112 rejection for the same reasons as independent claim 14.

Claim Rejections – 35 USC § 103

Vargo in view of Bauer and Riddle: Claims 1-13 and 17-19

Claims 1-13 and 17-19 are rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 6,356,545 to Vargo et al ("Vargo") in view of U.S. Pub. No. 2001/0008556 A1 to Bauer et al ("Bauer") and further in view of U.S. Pat. No. 6,175,856 to Riddle ("Riddle").

Claim 1 requires in part:

> the DSP module to renegotiate the use of a second type of codec and switch to using the second codec upon detection of signal degradation,
>
> wherein, the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compression techniques and switching between the codecs is performed during a call.

Applicants agree with Examiner that Vargo does not disclose that during communications between the remotely-located device and the DSP module, the DSP module is to renegotiate the use of a second type of codec and may switch to the second type of codec upon detection of signal degradation and wherein the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compression techniques and switching between the codecs is performed during a call.

Furthermore, Riddle discusses a method and apparatus for dynamic selection of compression processing during teleconference call initiation, but does not disclose that during communications between the remotely-located device and the DSP module, the DSP module is to renegotiate the use of a second type of codec and may switch to the second type of codec upon detection of signal degradation and wherein the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compression techniques and switching between the codecs is performed during a call.

Bauer discusses a method and apparatus for dynamically allocating bandwidth utilization in a packet telephony system. Bauer involves a separate network monitoring agent that monitors network conditions, such as traffic volume, and determines when to dynamically adjust the encoding scheme for one or more connections. Bauer does not disclose that during communications between the remotely-located device and the DSP module, the DSP module is to renegotiate the use of a second type of codec and may switch to the second type of codec upon detection of signal degradation and wherein the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compression techniques and switching between the codecs is performed during a call.

Therefore Vargo, in view of Riddle, in further view of Bauer, even in combination do not teach or suggest all of the claim limitations and claim 1 is patentably distinguishable over the prior art. Claim 17 contains similar limitations in method claim format. In particular, claim 17 involves two telephone devices, upon further detection of signal degradation, repeatedly renegotiating to dynamically change compression. Claim 17 is therefore patentably distinguishable over the prior art for at least similar reasons as claim 1. Claims 2-13 ultimately depend from claim 1. Since dependent claims necessarily contain the limitations of claims from which they depend, claims 2-13 are also patentably distinguishable over the prior art. Claims 18 and 19 depend from claim 17. Since dependent claims necessarily contain the limitations of claims from which they depend, claims 18 and 19 are also patentably distinguishable over the prior art.

Schuster in view of Riddle and Blomfield-Brown: Claims 14-16 and 20

Claims 14-16 and 20 are rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 6,483,600 to Schuster et al ("Schuster") in view of Riddle and further in view of U.S. Pat. No. 5,625,678 to Blomfield-Brown ("Blomfield-Brown").

Claim 14 as amended requires in part:

the DSP module to switch between codecs based on statistics from the DSP module.

Schuster discusses a system and method for communicating real-time facsimiles over data networks, but does not disclose a DSP module to switch between codecs based on statistics from the DSP module. Riddle discusses a method and apparatus for dynamic selection of compression processing during teleconference call *initiation*, but fails to cure the deficiencies of Schuster. In particular, Riddle does not disclose a DSP module to switch between codecs based on statistics from the DSP module as used in claim 14. Blomfield-Brown discusses a method and system for allowing switched voice and data communication among multiple application programs. Blomfield-Brown does not cure the deficiencies of Schuster in view of Riddle, that is, Blomfield-Brown does not disclose a DSP module to switch between codecs based on statistics from the DSP module as used in claim 14, therefore claim 14 is patentably distinguishable over the prior art. Claims 15, 16 and 20 depend from claim 14. Since dependent claims necessarily contain the limitations of claims from which they depend, claims 15, 16, and 20 are also patentably distinguishable over the prior art.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-20 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (571) 273-8300, on November 23, 2005.

Signature

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